



26 SEP 2003

William H. Dippert
Cowan, Liebowitz & Latman, PC
1133 Avenue of the Americas - 35th Floor
New York, NY 10031

In re Application of :
GORENBERG, Nora Viviana et al. :
Application No.: 10/070,940 :
PCT Application No.: PCT/IL01/00583 :
International Filing Date: 27 June 2001 :
Priority Date: 27 June 2000 :
Attorney Docket No.: 22868.66 :
For: APPARATUS AND METHOD FOR :
NON-INVASIVE MONITORING OF :
HEART PERFORMANCE :

DECISION ON

PETITION

UNDER 37 CFR 1.137(b)

This decision is in response to applicants' "Request For Reconsideration," filed in the United States Patent and Trademark Office on 25 November 2002.

BACKGROUND

On 27 June 2001, applicants filed international application PCT/IL01/00583, which claimed a priority date of 27 June 2000. A copy of the application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 January 2002. The twenty month deadline for entry into the national stage in the United States was 27 February 2002.

On 07 March 2002, applicants filed a transmittal letter for entry into the national stage in the United States directed to PCT/IL01/01583 accompanied by, *inter alia*, the basic national fee and a petition to revive directed to PCT/IL01/00582.

On 10 May 2002, the Office mailed Notification seeking clarification of which international application applicants sought to revive and with which application applicants sought to enter the national stage in the United States.

On 25 November 2002, applicants submitted "Request For Reconsideration," accompanied by the fee for a four month extension of time. The submission was filed with a certificate of first class mailing.

On 10 April 2003, applicants submitted a copy of the 25 November 2002 submission and an executed declaration by facsimile.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

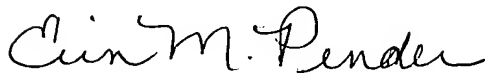
Applicants have clarified that they are attempting to revive PCT/IL01/00583. Applicants' statement that "the abandonment of this application was unintentional and that the entire delay from the original 20 month filing date of February 27, 2002 was unintentional," is construed to mean that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). If this is not a correct interpretation, applicants must notify the Office immediately. The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The declaration accompanying the 10 April 2003 submission complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. 371 date of **10 April 2003**.



Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459